IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :16037 of 2006

Dated: 3rd August 2006.

Between:

M/s Tata International Limited

..... PETITIONER

AND

The Commercial Tax Officer, Malakpet Circle, Hyderabad and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION NO :16037 of 2006

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

This writ petition is filed with the prayer as follows:

> " For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ or order or direction particularly one in the nature of Writ of Mandamus granting stay of collection of the balance disputed tax of Rs.3,28,860/- for the year 2002-03 arising in pursuance of the stay rejection order of the second respondent passed in Appeal No.C/30/2006-07, dated 30.05.200 and penalty of Rs.1,00,000/- levied in respect of the assessment year 2001-02 pending disposal of the appeals before the second respondent or to pass such other or further orders as this Hon'ble Court deem fit and proper in the circumstances of the case."

The petitioner is a dealer engaged in the business of executing work contracts and is an assessee on the rolls of the 1st respondent.

For the assessment year 2002-03, the 1st respondent, by his proceedings dated 31-03-2006, determined the tax liability of the petitioner at

Rs.3,75,840/-. It appears that the 1st respondent levied penalty of Rs.1,00,000/- also, under Section 14(1)(B) of the A.P.G.S.T. Act, in connection with the assessment year 2001-02. Aggrieved by the abovementioned orders the petitioner preferred appeal before the 2nd respondent and also sought stay of collection of the abovementioned tax including the penalty. The 2nd respondent rejected the said application of the petitioner by his order dated 30-05-2006, in respect of the tax and it appears no order has been received by the petitioner insofar as stay of penalty is concerned.

In the mean while, the 1st respondent issued Garnishee proceedings to the 3rd respondent herein calling upon him to pay an amount of Rs.4,28,860/-. Hence, the present writ petition.

Heard the learned Government Pleader for Commercial Tax.

In the circumstances, we are of the opinion that the matter can be disposed of at this stage by directing the 2nd respondent to withdraw the Garnishee proceedings, on condition of the petitioner depositing an amount of Rs.2,00,000/- within a period of four weeks from today and we direct accordingly.

In the result, with the above direction, the writ petition is disposed of at the stage of admission.

J.Chelameswar, J

D.Appa Rao, J

3rd August 2006
mrk